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TO EXAMINER MATTHEW D. ANDERSON**

TO: Commissioner for Patents
Attn: Examiner Matthew D. Anderson
Group Art Unit 2186
Patent Examining Corps
Facsimile Center
Washington, D.C. 20231

FROM: David W. Victor
OUR REF: 0018.0074
TELEPHONE: 310-556-7983

Total pages, including cover letter: 26

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If you do NOT receive all of the pages, please telephone us at 310/556-7983, or fax us at 310/556-7984.

**Description of Documents Transmitted: TRANSMITTAL FOR AMENDMENT (+
DUPLICATE); RESPONSE TO FINAL OFFICE ACTION**

Applicant: D.A. Burton et al.
Serial No.: 09/630,228
Filed: August 1, 2000
Group Art Unit: 2186
Docket No.: TUC920000013US1

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on February 8, 2005

By: _____
Name: David W. Victor

FORM PTO-1083

PATENT
TUC92000013US1
0018.0074

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: D.A. Burton et al.) Examiner: Matthew D. Anderson
 Serial No.: 09/630,228)
 Filed: August 1, 2000) Art Unit: 2186
 For: METHOD, SYSTEM, AND DATA)
 STRUCTURES FOR USING METADATA)
 IN UPDATING DATA IN A STORAGE)
 DEVICE)



Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith in the above-identified application is an:

Amendment 23 pages.
 Petition for Extension of Time.
 Transmittal of Formal Drawings and ___ sheets of formal drawings.
 Return Postcard.

The fee has been calculated as shown below:

| | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NO PREVIOUSLY PAID FOR | | PRESENT EXTRA RATE | ADDIT. FEE OR | | ADDIT. FEE |
|--------------|---|-------|--------------------------------------|---|-----------------------|---------------------|-----------|----------------|
| TOTAL | 48 | MINUS | 51 | = | 0 | x | \$0 | OR x 50 \$ |
| INDEP CLAIMS | 17 | MINUS | 14 | = | 3 | x | \$0 | OR x 200 \$600 |
| | FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | | + | \$0 | OR + 360 \$ |
| | | | | | | | TOTAL \$0 | TOTAL \$ -0- |

Please charge Deposit Account No. 09-0449 the amount of \$ ___ to cover the extension fee and also the amount of \$ ___ to cover the claim fee. A duplicate copy of this sheet is enclosed.
 A check in the amount of \$ ___ to cover the extension fee is enclosed.
 A check in the amount of \$ ___ to cover the filing fee is enclosed.
 A check in the amount of \$ ___ to cover the petition fee is enclosed.
 The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No.09-0449. A duplicate of this sheet is enclosed.
 Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
 Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

Dated: February 8, 2005

David W. Victor
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
 Commissioner for Patents, Alexandria, P.O. Box 1450, VA 22313-1450 on February 8, 2005.

David W. Victor

2/8/05
Date

FEB 08 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: D.A. Burton et al. Examiner: Matthew D. Anderson
Serial No.: 09/630,228 Group Art Unit: 2186
Filed: August 1, 2000 Docket No.: TUC920000013US1
TITLE: METHOD, SYSTEM, AND DATA STRUCTURES FOR USING
METADATA IN UPDATING DATA IN A STORAGE DEVICE

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being transmitted by facsimile to Matthew D. Anderson of the U.S. Patent and Trademark Office at 703-872-9308 on February 8, 2005.

David W. Victor

2/8/05
DateRESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in response to the final office action dated November 10, 2004 ("Final Office Action), in which the Examiner allowed claims 2-5, 7-14, 17-20, 22-29, 32-35, 37-41, 44, and 45; found that claims 6, 21, 36, 46, and 48 would be allowed if rewritten in independent form; and rejected claims 1, 15, 16, 30, 31, 42, 43, and 47 as anticipated (35 U.S.C. §102) or obvious (35 U.S.C. §103) over cited art. Applicants amended allowable claims 6, 21, and 36 to place these claims in condition for allowance.

On February 1, 2004, the attorney for Applicants and the Examiner held a phone interview discussing the rejection. The attorney explained how the claims distinguished over the cited art and the Examiner said he would consider the attorney's arguments. In a follow-up phone call, the Examiner cited additional sections of the prior art. Applicants traverse the prior art rejections, including the additional sections the Examiner cited in his phone call, and submit that all pending claims 1-48 are patentable over the cited art and in condition for allowance for the reasons discussed herein.

Amendments to the Claims are reflected in the listing of claims which begins on page 2.
Remarks/Arguments begin on page 18.